IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF JUNE 1998

BEFORE;

THE HON'BLE MR.JUSTICE M.F.SALDANHA

WRIT PETITION NO. 15859 OF 1998

BETWEEN;

1 Basappa Nissimappa Byalal
since deceased by his LRs.

1(a) Sivappa Basappa Byalal
major, Occ: Agriculturist

1(b) Parasappa Basappa Byalal
major, Occ: Agriculturist/

Both residents of Belgalpati
Village, Taluk Hangal,
Dist: Haveri. ... PETITIONERS

(By Sri F.V.Patil, Advocate.,)

AND;

1. The State of Karnataka,
Represented by its Revenue
Secretary, Vidhana Souudha,
Bangalore-560 001.

2. The Land Tribunal,
Hangal, represented by its
Chairman.

3. The Tahsildar,
Hangal Taluk,
Dist.Haveri.

4. Maibunbi, Kom Mohammed
Ghouse Sab Masanakatti,
major by age, resident of
Belgalpati Village,
Taluk Hangal, Dist,Haveri. ... RESPONDENTS

(By Sri S.V.Jagannath, Addl.Govt.Adv., for R1 to R3.,)

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Writ Petition filed under Articles 226 and 227 of the Constitution of India, praying to quash Annexure-E dt. 21.4.98 by R.3 and to direct R-3 to issue certificate of Registration in favour of the petitioners pursuant to the order of the Land Tribunal dt.15.10.81 etc.,

This Petition coming on for preliminary hearing this day, the Court made the following:

O R D E R

I have heard the petitioners' learned Advocate as also the learned Govt.Advocate. The petitioners' learned Advocate points out to me that the Tribunal had decided in favour of the petitioners on 15.10.81. Unfortunately, the wording of the order is not very clear as a result of which despite the petitioners having complied with the requisite formalities by paying the occupancy price, ~~that~~ the registration certificate is not being granted in their favour by the Tahsildar who is the third respondent. He submits that the petitioners are left with no option except to ask for a direction to the Tahsildar whereby the certificate of registration be issued in favour of the petitioners.

2. The R1 to 3 are represented by the learned Govt.Advocate. Perhaps there is some justification in his submission that the order of the Tribunal is ambiguous and in the absence of a clear cut pronouncement that the Tahsildar was justified in refusing to issue the certificate. On the other hand, after examining the record and hearing the parties, I am of the view that it is unnecessary to route the case back to the Tribunal for a clarification when it is very clear that the declaration was in favour of the petitioners. Under these circumstances, it is open to this Court to clarify the matter which is accordingly done and the R-3 is directed to issue the certificate of registration to the petitioners on their ~~before~~ complying with the requisite formalities. This process shall however be completed within an outer limit of three months from the date on which a copy of this order is filed with the R-3.

3. The impugned order of the Tahsildar is accordingly set aside. The Petition is allowed. In the circumstances of the case, there shall be no order as to costs.

Sd/-
JUDGE

MSU/*000698